

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-5681-2024 (O&M)
Date of Decision:- 16.02.2024

Sanjeev Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Choksi, Advocate, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab,
assisted by ASI Paramjit Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
20	14.02.2020	Meharban, District Ludhiana	15/61/85 of NDPS Act (Sections 25 and 29 NDPS Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR wherein it is alleged that the petitioner was found in possession of 75 Kgs of ‘Poppy Husk’.
2. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that there is no credible evidence to connect him with the alleged occurrence. It has further been submitted that the petitioner has already been behind bars since the last about 4 years and the trial has not made any headway despite such long incarceration.

3. Opposing the petition, learned State counsel submits that having regard to the fact that the petitioner was caught red-handed, while in possession of a commercial quantity of contraband, no case for grant of bail is made out. Learned State counsel further informed that the petitioner had earlier been involved in a case registered under NDPS Act and was convicted and sentenced to undergo one month imprisonment, which however was a case of small quantity of contraband and which was recovered way back in the year 2017. Learned State counsel has informed that the petitioner as on date has been behind bars since the last 4 years and as on date 1 out of the cited 19 PWs has been examined.
4. This Court has considered the rival submissions.
5. Having regard to the fact that the petitioner has been behind bars for a substantial period of 4 years and as on date only 1 out of cited 19 PW has been examined, it is apparent that conclusion of trial is likely to consume time. Under these circumstances further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.02.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No